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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,302	11/01/2003	Vernon Bruce Evans	ACST003-US0	2695

7590 03/17/2006  
Patrick Stelltano  
2803 Inridge Dr.  
Austin, TX 78745

EXAMINER

PHILLIPS, FORREST M

ART UNIT PAPER NUMBER

2837

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/700,302	Applicant(s) EVANS, VERNON BRUCE	
	Examiner Forrest M. Phillips	Art Unit 2837	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 18 is objected to because of the following informalities: There appears to be a typographical error "The structure of claim 19" has been read and treated on merits as reading "The structure of claim 17". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Saylor ET. Al. (U.S. 4,084,367).

With respect to claim 1 Saylor discloses a method for constructing an acoustic panel comprising providing a first partition (22 in figure 2), between a first region, the air, and a second region (32 in figure 2), the first partition (22 in figure 2) being acoustically penetrable (38 in figure 2) and the second region (32 in figure 2) comprising an acoustic absorbing material that is substantially free of fibrous glass (column 5 lines 55-56) and providing a second partition (34 in figure 3) between the second region (32 in figure 3) and a third region (31 in figure 3).

With respect to claim 2 Saylor further discloses a third partition (21 in figure 3) between the third region and a fourth region the third partition being acoustically penetrable (column 6 lines 12-13)

With respect to claim 3 Saylor further discloses the acoustic material (31 in figure 2) in the third region is substantially free of fibrous glass (column 5 lines 55-56).

With respect to claim 4 Saylor further discloses the second partition (34 in figure 3) is substantially supported from movement by the acoustic absorbing material in the second and third regions (column 5 lines 57-61)

With respect to claim 5 Saylor further discloses the second partition (34 in figure 3) is substantially acoustically impenetrable to provide acoustic isolation (column 3 lines 65-66) between the second and third regions

With respect to claim 9 Saylor discloses an acoustic absorbing structure (11 in figure 1). Comprising a first partition (22 in figure 2) between a first region, the air, and a second region (32 in figure 2) the first partition (22 in figure 2) being acoustically penetrable (38 in figure 2) and the second region (32 in figure 2) comprising an acoustic absorbing material that is substantially free of fibrous glass (column 5 lines 55-56) and a second partition between the second region (32 in figure 3) and a third region (31 in figure 3).

With respect to claim 10 Saylor further discloses the third region (31 in figure 3) comprises an acoustic absorbing material; and the structure further comprises a third partition (21 in figure 3) between the third region and a fourth region, the air, the third partition being acoustically penetrable (column 6 lines 12-13).

With respect to claim 11 Saylor further discloses the acoustic absorbing material in the third region (31 in figure 2) is substantially free of fibrous glass (column 5 lines 55-56)

With respect to claim 12 Saylor further discloses the second partition (34 in figure 3) is substantially supported from movement by the acoustic absorbing material in the second and third regions (column 5 lines 57-61).

With respect to claim 13 Saylor further discloses the second partition (34 in figure 3) is substantially acoustically impenetrable to provide substantial acoustic isolation (column 3 lines 65-66) between the second and third regions

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6 ,14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor ET.AL. (U.S.4084367) in view of Hehmann (U.S.4130175)

With respect to claim 6 Saylor discloses directly the method of claim 1.

Saylor does not disclose directly providing an acoustically penetrable membrane between the first partition and the second region.

Hehmann discloses providing an acoustically penetrable membrane (Abstract lines2-6) between the first partition and the second region.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the panel of Saylor with the teaching of Hehmann of providing an acoustically transparent membrane between the partition and the sound absorber.

The motivation for doing so would be to provide a moisture barrier.

With respect to claim 14 it would have been obvious to combine Saylor with Hehmann for the reasons disclosed above in rejection of claim 6.

With respect to claim 17 it would have been obvious for reasons of symmetry to combine the membrane of Hehmann with the third partition as well as the first as disclosed in the above rejection of claim 6.

Claims 7-8 and 15,16,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor in view of Hehmann as applied to claims 6 and 14 above, and further in view of Veen (U.S.6345688)

With respect to claim 7 Saylor in view of Hehmann discloses the method of claim 6 as discussed above.

Saylor in view of Hehmann does not disclose the membrane being adhered to a surface of the first partition by elevating the temperature of the membrane followed by cooling the membrane to an ambient temperature.

Veen directly discloses the membrane (14 in figure 2) is adhered to a surface by elevating the temperature of the membrane (22 in figure 2) followed by cooling the membrane (24 in figure 2) to an ambient temperature.

At the time of the invention it would have been obvious to combine the thermally adhered membrane of Veen with the panel of Saylor in view of Hehmann.

The motivation for doing so would be not using adhesives in the construction of the panel.

With respect to claim 8 Veen discloses directly the temperature of the membrane (14 in figure 2) is elevated (22 in figure 2) during a process of applying a coating on a surface of the first partition.

With respect to claim 15 Veen discloses the membrane(14 in figure 2) is adhered to a surface by elevating the temperature of the membrane(22 in figure 2) followed by cooling the membrane (24 in figure 2) to an ambient temperature.

With respect to claim 16 Veen further discloses the temperature of the membrane (14 in figure 2) is elevated (22 in figure 2) during a process of applying a coating on a surface of the first partition.

With respect to claim 18 it would have been obvious for reasons of symmetry to combine the membrane of Hehmann with the third partition as well as the first as disclosed in the above rejection of claim 15.

***Conclusion***

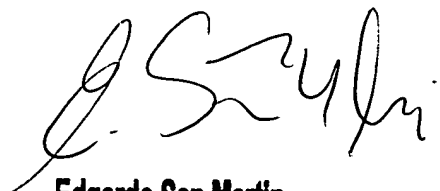
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Pizziruso (U.S.5504282) for the use of textiles as an acoustic damper; Bouyonnet(U.S.6712179) for the use of thermosetting sealing of an acoustic panel; Dutton(U.S. 6581724) sound absorbing closure panels for sound isolation modules; Lastowski(U.S.6382351) for the use of an acoustically penetrable membrane for sealing out moisture and dirt; Golterman (U.S. 6698543) acoustic wall panel; McNett (U.S. 6123171) Acoustic panels having plural damping layers.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forrest M. Phillips whose telephone number is 5712729020. The examiner can normally be reached on Monday through Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on 5712722001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP



**Edgardo San Martin**  
**Primary Patent Examiner**